

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE, INC.,

Plaintiff,

v.

DOES 1- 100,

Defendants.

Case No.: 14-cv-1926

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: APR 23 2014

~~PROPOSED~~ ORDER

Based upon the motion of Plaintiff Siemens Product Lifecycle Management Software Inc. ("Plaintiff") for discovery of information from Road Runner Holdco, LLC, Comcast Corporation, Verizon Communications, Inc., and Cox Communications (collectively, the "Third Party ISP's") sufficient to identify the subscribers who utilized IP addresses and/or accompanying network information associated with alleged copyright infringement, as well as the Complaint, and all of the pleadings and proceedings had herein, it is hereby:

ORDERED that, pursuant to Fed. R. Civ. P. 26(d)(1) and 45, Plaintiff may serve on the Third Party ISP's, non-parties to this action, immediate discovery in substantially the same form as the Rule 45 subpoena attached hereto as Exhibit A, such service to be made together with a copy of this Order;

ORDERED that the Third Party ISP's shall respond to and comply with the subpoena and, to the extent possible, shall produce to Plaintiff's counsel the subscriber information sought in the subpoena;

ORDERED that the Third Party ISP's shall preserve any subpoenaed information pending the resolution of this matter; and

ORDERED that any information disclosed to Plaintiff's counsel shall be used solely for purposes of protecting Plaintiff's rights in connection with this litigation and shall not otherwise

be disseminated.

Dated: April 23, 2014

SO ORDERED:

A handwritten signature in black ink, appearing to read "K. B. Fournier", written over a horizontal line.

Honorable
United States District Judge

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Siemens Product Lifecycle Management Software, Inc.

Plaintiff

v.

Does 1-100

Defendant

Civil Action No. 14-CV-1926

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Peter C. Gourdine

Reed Smith LLP

599 Lexington Avenue, New York, NY 10022

Date and Time:

06/21/2014 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____

_____, who issues or requests this subpoena, are:

EXHIBIT A**I. DEFINITION AND INSTRUCTION**

1. "Document" or "documents" means every original and every copy of any original which differs in any way from any original, of every writing or recording of any kind or description, whether handwritten, typed, drawn, sketched, printed, recorded, or fixed in any other medium by any physical, mechanical, electronic or electrical means, including, without limitation: books, records, papers, invoices, accounts, statements, checks, drafts, written memorials of oral communications, photographs, computer printouts, diagrams, prints, schematics, reports, communications, correspondence, memoranda, notes of conversations and minutes of meetings, telexes, telegrams, diaries, appointment calendars or appointment books, agreements, and contracts. Different versions of the same document with and without handwritten notation found in the original shall be considered different documents.

2. For each Request, Plaintiff seeks Documents containing any or all of the following information:

- a) The real name of the account holder;
- b) The mailing address of the account holder;
- c) The telephone number of the account holder;
- d) The e-mail address of the account holder; and
- e) Any other information that would aid Plaintiff in determining the identity of these account holders.

II. DOCUMENT REQUEST

REQUEST NO 1: Please produce any and all Documents, including specifically any electronic records, sufficient to identify the subscriber information that relates to any person or persons who contracted or otherwise engaged in a business or commercial transaction with you for internet services who currently utilize the following IP Addresses and accompanying network information and/or who utilized the following IP Addresses and/or accompanying network information at least during the time period indicated:

Start Date	End Date	IP Address	Egress Address	DHCP Address	MAC Address
XXXXXX	XXXXXX	XXXXXX	XXXXXXXXXX	XXXXXX	XXXXXX